UNITED STATES PATENT AND TRADEMARK OFFICE

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10/044,484	01/11/2002	Larry C. Frame	020375-007400US	9883

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ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 October 2005 and 28 October 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicants' arguments filed on 10/03/05 and the Declaration under 37 CFR 1.131

filed on October 28, 2005,

Claims 1, 10, and 18 have been amended. Claims 1-23 are pending for

examinations.

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1, line 12, the claimed limitation "wherein the at least one field includes a

copy of the matching data from the;" seems incomplete sentence.

Note:

According to the claims version filed on 4/5/05,

> claim 1, line 11, recites "wherein the at least one field includes a copy of
>
> the matching data from the **first and second files**."

However, Applicants' response received on 10/03/05,

> claim 1, line 12, the term **"first and second files" was omitted**. Examiner
>
> believes there is a typographical error, and therefore to expedite a
>
> complete examination, the claim has been rejected with an assumption
>
> that the claimed language means to include the term "first and second
>
> files;"

Appropriate correction is required.

In claim 10, line 14, the term "a key segment" is suggested to change to "the key segment".

In claim 18, line 8, the term "a key segment" is suggested to change to "the key segment".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-13, 15-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabasakalian et al (US patent 6,745,211 B2) in view of Kahn el al (US Patent Application No. 2003/0004724 A1).

As per claim 1, Kabasakalian discloses a method for extracting related information from electronic files, wherein each file includes a plurality of records and wherein each record includes at least one field for containing data (col. 4, lines 52-55), the method comprising:

a) **in response to a user input that designates at least one field as a key segment** as a user inputs verified data into the identifier fields 942, 944, and 946 (see col. 9, lines 22-23), **wherein a key segment comprises a field having pre-populated data** as the information comes in the form of data records, each having fields containing

data (col. 1, lines 14-16) **and wherein the key segment field is common to each of a plurality of the records** as a table is a collection of several data records with similar data information fields. Data records represent a collection of data that is organized into fields (col. 4, lines 50-55), **comparing data contained in the key segment of each record of a first file to data in a related key segment of each record of a second file** as an unverified data record is compared with the reference data record to identify a matching reference data record (see col. 2, lines 27-32, col. 9, lines 24-29);

b) **upon each occurrence of a match of data in the key segment of a record in the first file to data in the related key segment of a record in the second file** as the matching verified data record is then output (see col. 9, lines 39-40, col. 7, lines 26-32), **creating a record in a temporary electronic file** as verified data record be output to the reporting portion 340 of the corresponding matching data record (see col. 5, lines 50-51, col. 6, line 47, col. 7, lines 33-35), **wherein the record in the temporary file includes at least one field and wherein that at least one field includes a copy of the matching data** as the reporting portion includes identifier fields and the identifier fields each contain identifier data, of the matching verified data record, respectively (see col. 7, lines 47-55);

c) **selecting data from the temporary file and (d) outputting the selected data** as the data record output portion 430 outputs the matching verified data record to the unsolved master data record, then the system performs after a new association is made in the reference data filed memory 230 between a reference data record and a verified data record, creating a new matching verified data record (col. 6, lines 25-32).

Kabasakalian does not explicitly teach the matching data from the first and

second files. However, Kahn teaches **copy of the matching data from the first and**

second files as the verbatim text window 606 shows the identically match what was

said in the underlying dictated audio filed 205 of comparison of the two transcribed text

A and B (Fig. 6, par. 105-107). Thus, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to combine the teachings of the cited

references to implement the step of copying of the matching data from first and second

files so that each of these match scenarios are constructed by the end user with the

GUI as disclosed by Kahn, and each record will be tested through each scenarios in

turn in order to identify whether or not a specific data record will be accepted for

correcting records in a database, as suggest by Kahn (par. 109).

As per claim 2, Kabasakalian teaches thereafter **deleting the temporary file** as

placing new verified data record on the reference data file (col. 8, lines 18-25, col. 10,

line 50-60).

As per claim 3, Kabasakalian teaches for additional files, repeating steps a), b)

and c) using an additional file as the first file and the temporary file as the second file

(as a process determines whether the unverified data record being examined in the

process is a new shadow data record, if yes, the unverified data record is placed into

the original transaction portion of an empty master data record in the master data file

and process continue; and a process determines whether the unverified data record

being examined in the process is not a new shadow data record, the process identifies

that the unverified data record is an unresolved data record from the original transaction

portion of an unresolved master data record, Fig. 10, col. 11, lines 37-46, 56-62).

As per claim 4, Kabasakalian teaches wherein the first file is stored in electronic

form on magnetic tape (Fig. 2, col. 12, lines 65-67).

As per claim 5, Kabasakalian teaches wherein the first file is stored in electronic

form on media selected from a group consisting of solid state memory, magnetic disk

memory, and optical memory (Fig. 2, col. 4, lines 65-67).

As per claim 7, Kabasakalian teaches wherein a record of the temporary file

created upon a match of data between records in the first and second files contains less

than all of the data from the matching records of the first and second files (as display

only matches or differences (data records without matching verified data records) data

records) (col. 9, lines 35-40).

As per claim 8, Kabasakalian teaches selecting data from the records of the

temporary file based in part on logic operators (as the resolve button performs a logic

comparison) (see Fig. 5, col. 9, lines 27-28).

As per claim 9, Kabasakalian teaches wherein the logic operators are selected

from a group consisting of less than, greater than, equal to, not-equal-to, less-than-or-

equal-to, greater-than-or-equal-to, in and not in (as when selecting the resolve button

966, the unverified data record is compared to a list of reference data records to

produce a matched record or difference record based on user specified, match record is

equivalent to the instant claimed limitation "equal-to") (col. 9, lines 35-40, col. 9, lines 1-

15).

As per claim 10, Kabasakalian discloses a system for extracting related

information from electronic files, comprising:

a processor (Fig. 1, # 300); **a storage device** (Fig. 1, # 200); **an output device**

(Fig. 1, # 400);

a first electronic file stored on the storage device, wherein the first

electronic file includes a plurality of records and wherein each record includes at

least one field for containing data; and a second electronic file stored on the

storage device, wherein the second electronic file includes a plurality of records

and wherein each record includes at least one field for containing data as a table

is a collection of several data records, the data records represent a collection of data

that is organized into fields containing data (col. 1, lines 14-16, col. 4, lines 50-55);

wherein the processor is configured to respond to an input that designates

at least one field as a key segment as a user inputs verified data into the identifier

fields 942, 944, and 946 (see col. 9, lines 22-23) **by comparing data contained in the**

key segment of each record of the first file to data in a related key segment of

each record of the second file as an unverified data record is compared with the

reference data record to identify a matching reference data record (see col. 2, lines 27-

32, col. 9, lines 24-29), **wherein a key segment comprises a field having pre-**

populated data as the information comes in the form of data records, each having

fields containing data (col. 1, lines 14-16) **and wherein the key segment field is**

common to each of a plurality of the records as a table is a collection of several data

records with similar data information fields. Data records represent a collection of data

that is organized into fields (col. 4, lines 50-55);

wherein the processor is further configured such that upon each

occurrence of a match of data in the key segment of a record in the first file to

data in the related key segment of a record in the second file as the matching

verified data record is then output (see col. 9, lines 39-40, col. 7, lines 26-32), **the**

processor causes a record in a temporary electronic file to be created as verified

data record be output to the reporting portion 340 of the corresponding matching data

record (see col. 5, lines 50-51, col. 6, line 47, col. 7, lines 33-35), **wherein the record**

in the temporary file includes at least one field and wherein the at least one field

includes a copy of the matching data as the reporting portion includes identifier fields

and the identifier fields each contain identifier data, of the matching verified data record,

respectively (see col. 7, lines 47-55); **and**

wherein the processor is further configured to select data from the

temporary file and output the data to the output device as the data record output

portion 430 outputs the matching verified data record to the unsolved master data

record, then the system performs after a new association is made in the reference data

filed memory 230 between a reference data record and a verified data record, creating a

new matching verified data record (col. 6, lines 25-32).

Kabasakalian does not explicitly teach the matching data from the first and

second files. However, Kahn teaches **copy of the matching data from the first and**

second files as the verbatim text window 606 shows the identically match what was

said in the underlying dictated audio filed 205 of comparison of the two transcribed text

A and B (Fig. 6, par. 105-107). Thus, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to combine the teachings of the cited

references to implement the step of copying of the matching data from first and second

files so that each of these match scenarios are constructed by the end user with the

GUI as disclosed by Kahn, and each record will be tested through each scenarios in

turn in order to identify whether or not a specific data record will be accepted for

correcting records in a database, as suggest by Kahn (par. 109).

As per claim 11, Kabasakalian teaches wherein the processor is further

configured to thereafter delete the temporary file (as placing new verified data record on

the reference data file, col. 8, lines 18-52, col. 10, line 40-49).

As per claim 12, Kabasakalian teaches wherein the first file is stored on the

storage device on magnetic tape (Fig. 2, col. 12, lines 65-67).

As per claim 13, Kabasakalian teaches wherein the first file is stored on the

storage device on media selected from a group consisting of solid state memory,

magnetic disk memory, and optical memory (Fig. 2, col. 12, lines 65-67).

As per claim 15, Kabasakalian teaches wherein a record of the temporary file

created upon a match of data between records in the first and second files contains less

than all of the data from the records of the first and second files (as display only

matches or differences (data records without matching verified data records) data

records) (col. 9, lines 35-40).

As per claim 16, Kabasakalian teaches wherein the processor is further configured to select data from records of the temporary file based in part on logic operators (as the resolve button performs a logic comparison) (see Fig. 5, col. 9, lines 27-28).

As per claim 17, Kabasakalian teaches, wherein the logic operators are selected from a group consisting of less than. greater than, equal to, not-equal-to, less-than-or-equal-to, greater-than-or-equal-to, in and riot in (as when selecting the resolve button 966, the unverified data record is compared to a list of reference data records to produce a matched record or difference record based on user specified, match record is equivalent to the instant claimed limitation "equal-to") (col. 9, lines 35-40, col. 9, lines 1-15).

As per claim 18, Kabasakalian discloses a computer-readable medium having computer executable instructions for performing a method comprising

a) receiving instructions identifying two or more electronic files from which to extract related information, wherein each file includes a plurality of records and wherein each record includes at least one field for containing data as a table is a collection of several data records, the data records represent a collection of data that is organized into fields containing data (col. 1, lines 14-16, col. 4, lines 50-55);

b) receiving instructions that designate at least one field in the first file to be a key segment as a user inputs verified data into the identifier fields 942, 944, and 946 (see col. 9, lines 22-23) **and that designate at least one field in the second file to be a related key segment** as an unverified data record is compared with the

reference data record to identify a matching reference data record (see col. 2, lines 27-32, col. 9, lines 24-29), **wherein a key segment comprises a field having pre-populated data** as the information comes in the form of data records, each having fields containing data (col. 1, lines 14-16) **and wherein the key segment field is common to each of a plurality of the records** as a table is a collection of several data records with similar data information fields. Data records represent a collection of data that is organized into fields (col. 4, lines 50-55);

c) **comparing data contained in me key segment of each record of the first file to data contained in the related key segment of each record of the second file** as an unverified data record is compared with the reference data record to identify a matching reference data record (see col. 2, lines 27-32, col. 9, lines 24-29);

d) **upon each occurrence of a match of data in the key segment of a record in the first file to data in the related key segment of a record in the second file** as the matching verified data record is then output (see col. 9, lines 39-40, col. 7, lines 26-32), **creating a record in a temporary electronic file** as verified data record be output to the reporting portion 340 of the corresponding matching data record (see col. 5, lines 50-51, col. 6, line 47, col. 7, lines 33-35), **wherein the record in the temporary file includes at least one field and wherein the at least one field includes a copy of the matching data** as the reporting portion includes identifier fields and the identifier fields, each contain identifier data, of the matching verified data record, respectively (see col. 7, lines 47-55);

e) receiving instructions identifying data to be selected from the temporary file, f) selecting the data from the temporary file and outputting the data as the data record output portion 430 outputs the matching verified data record to the unsolved master data record, then the system performs after a new association is made in the reference data filed memory 230 between a reference data record and a verified data record, creating a new matching verified data record (col. 6, lines 25-32).

Kabasakalian does not explicitly teach the matching data from the first and second files. However, Kahn teaches **copy of the matching data from the first and second files** as the verbatim text window 606 shows the identically match what was said in the underlying dictated audio filed 205 of comparison of the two transcribed text A and B (Fig. 6, par. 105-107). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement the step of copying of the matching data from first and second files so that each of these match scenarios are constructed by the end user with the GUI as disclosed by Kahn, and each record will be tested through each scenarios in turn in order to identify whether or not a specific data record will be accepted for correcting records in a database, as suggest by Kahn (par. 109).

As per claim 19, Kabasakalian teaches wherein the method further includes thereafter deleting the temporary file (as placing new verified data record on the reference data file, col. 8, lines 18-52, col. 10, line 40-49).

As per claim 20, Kabasakalian teaches wherein the method further includes: for additional files, repeating steps a), b), c) and d) using an additional file as the first file

and the temporary file as the second file (as a process determines whether the

unverified data record being examined in the process is a new shadow data record, if

yes, the unverified data record is placed into the original transaction portion of an empty

master data record in the master data file and process continue; and a process

determines whether the unverified data record being examined in the process is not a

new shadow data record, the process identifies that the unverified data record is an

unresolved data record from the original transaction portion of an unresolved master

data record, Fig. 10, col. 11, lines 37-46, 56-62).

As per claim 22, Kabasakalian teaches wherein the method further includes

selecting data from records of the temporary file based in part on logic operators (as the

resolve button performs a logic comparison) (see Fig. 5, col. 9, lines 27-28).

As per claim 23, Kabasakalian teaches wherein the logic operators are selected

from a group consisting of less than, greater than, equal to, not-equal-to, less-than-or

equal-to, greater-than-or-equal-to, in and not in (as when selecting the resolve button

966, the unverified data record is compared to a list of reference data records to

produce a matched record or difference record based on user specified, match record is

equivalent to the instant claimed limitation "equal-to") (col. 9, lines 35-40, col. 9, lines 1-

15).

Claims 6, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kabasakalian et al (US patent 6,745,211 B2), in view of Kahn el al (US Patent

Application No. 2003/0004724 A1) and further in view of Aiken (US patent 6,658,622

B1).

As per claim 6, Kabasakalian and Kahn do not explicitly teach sorting the records

of the first file based on data contained in the key segment. However, Aiken teaches

sorting the records of the first file based on data contained in the key segment as

document are sorted (col. 11, lines 47-67). Thus, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the teachings of

the cited references to implement the step of sorting records of the document as

disclosed by Aiken's system because it provides users of Kabasakalian's system and

Kahn's system easily to identify where the boundaries of the documents so that the

position value indicating matching position in the other documents (i.e., when comparing

for matching).

As per claim 14, Kabasakalian and Kahn do not explicitly teach wherein the

processor is further to sort the records of the first file based on data contained in the key

segment. However, Aiken teaches **sort the records of the first file based on data**

contained in the key segment as document are sorted (col. 11, lines 47-67). Thus, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine the teachings of the cited references to implement the step of sorting

records of the document as disclosed by Aiken's system because it provides users of

Kabasakalian's system and Kahn's system easily to identify where the boundaries of the

documents so that the position value indicating matching position in the other

documents (i.e., when comparing for matching).

As per claim 21, Kabasakalian and Kahn do not explicitly teach sorting the records of the first file based on data contained in the key segment. However, Aiken teaches **sort the records of the first file based on data contained in the key segment** as document are sorted (col. 11, lines 47-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement the step of sorting records of the document as disclosed by Aiken's system because it provides users of Kabasakalian's system and Kahn's system easily to identify where the boundaries of the documents so that the position value indicating matching position in the other documents (i.e., when comparing for matching).

Response to Arguments

I). Applicant's arguments and amendments to claims 1, 10, and 18, filed 10/03/05 have been fully considered but they are not persuasive.

First, Applicants argue that Kabasakalian fails to disclose "in response to an input that designates at least one field as a key segment" because this limitation does not read on a user <u>inputting data.</u>

In response, Examiner respectfully disagrees.

Examiner respectfully submits that Kabasakalian discloses the instant claimed element "in response to **a user input** that **designates** at least **one field** as a key segment" in that the *user inputs verified identifier data into the identifier fields 942,*

944, 946 (col. 9, lines 22-23, col. 5, lines 38-41). That is, when the user inputs verified

identifier data into the identifier fields, the user has designated at least **three fields** for

matching or verifying data records in a database. The user-designated **identifier fields**

are the equivalent to the claimed limitation "key segment."

Accordingly, Kabasakalian discloses "in response to an input that designates at

least one field as a key segment."

Next, Applicants argue that Kabasakalian fails to disclose "wherein a key

segment comprises a field having pre-populated data and wherein the key segment field

is common to a plurality of the records," as amended by Applicants.

In response, Examiner respectfully disagrees.

Examiner respectfully submits that Kabasakalian still anticipates the claimed

invention. Kabasakalian teaches at column 4, lines 52-54 that "a table is a **collection**

of several data records with similar data information fields. Data records represent

a collection of data that is **organized into fields**." Kabasakalian also discloses

"databases to store, manage and track large amounts of information" and "the

information comes in the form of data records, each having **fields containing data**"

(col. 1, lines 14-16). Because Kabasakalian discloses a database having **records** with

similar fields containing data, Examiner submits that the disclosure reads on the

limitation.

Accordingly, Kabasakalian discloses "wherein a key segment comprises a field having pre-populated data and wherein the key segment field is common to a plurality of the records."

Additionally, Applicants argued there can be no motivation to combine references when the cited references are unrelated. Applicants argue that Kabasakalian and Kahn are non-analogous art because Kabasakalian pertains to verifying data records, while Kahn relates to audio files.

In response, Examiner respectfully disagrees.

In response to Applicant's argument that Kahn is a non-analogous art, it has been held that a prior art reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which Applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, Examiner does not combine the entire systems of Kabasakalian and Kahn for comparing two different types of data. As indicated in the above discussion, Kabasakalian discloses comparing data from two fields and outputting the matching data from the two fields to a temporary electronic file. Similarly, Kahn teaches displaying two copies of the matching data of a comparison between two files (Fig. 6).

These references are analogous in that Kabasakalian and Kahn are both in the field of comparing records of files within a database. Additionally, the references are analogous in that both Kabasakalian and Kahn resolve the problem of finding matching

data in the records of a database. This is the same problem that Applicant is trying to

resolve. Therefore, under the existing case law, the references are analogous.

II)   The declaration filed on October 28, 2005 under 37 CFR 1.131 has been

considered but is ineffective to overcome the Kabasakalian et al (U.S Patent No.

6,745,211 B2) reference.

Applicant states that the invention was conceived and reduced to practice, as

evidenced by the exhibit comprising a portion of the software code of the invention.

> The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying
> on to show completion of his or her invention prior to the particular date. Vague and general statements in
> broad terms about what the exhibits describe along with a general assertion that the exhibits describe a
> reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts"
> and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ
> 29 (CCPA 1974). Applicant must give a **clear explanation of the exhibits pointing out exactly what facts**
> are established and relied on by applicant 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333
> F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit 'asserts that facts exist but does not tell what they are or
> when they occurred.").
>   In general, proof of actual reduction to practice requires a showing that the apparatus actually
> existed and worked for its intended purpose.

The affidavit or declaration and exhibit must clearly explain which facts or data

The declaration does not clearly explain which facts or data Applicant is relying on to

show completion of the invention prior to November 30, 2001. The declaration

comprises vague and general statements in broad terms about what the exhibit

describes along with a general assertion that the exhibit demonstrates a reduction to

practice. Thus, the declaration amounts to a mere pleading unsupported by proof or a

showing of facts.

Applicant may correct this deficiency by giving a clear explanation of the exhibit

pointing out exactly what facts are established and relied on by Applicant.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-

4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JEFFREY GAFFIN can be reached on (571) 272-4146. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Nov. 27, 2005.